

## **BILL ANALYSIS**

Senate Research Center

H.B. 101  
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Criminal Justice  
5/16/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Concerns have been raised over the increase in volume of caller ID spoofing calls that occur when a caller ID display shows a number different from the number under which the call was placed. H.B. 101 seeks to remedy this situation by creating the offense of false caller identification information display for a person who makes these calls with the intent to defraud, harass, or cause harm.

H.B. 101 amends the Penal Code to create the Class A misdemeanor offense of false caller identification information display for a person who, with the intent to defraud, harass, or cause harm, makes a call or engages in any other conduct using any type of technology that results in the display on another person's telecommunications device of data that misrepresents the actor's identity or telephone number. The bill prohibits a conviction for the offense from being used for enhancement purposes under any other statutory provision relating to telecommunications crimes and sets out defenses to prosecution for the offense.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 101 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not contain a provision that includes specific types of networks or services a person uses to commit an offense.

The substitute changes the exceptions to the application of the offense to make them instead a defense to prosecution of the offense and to revise the list of actors and their actions that are covered by the defense.

The substitute includes a definition of "telecommunications service provider."

H.B. 101 amends current law relating to the creation of the criminal offense of false caller identification information display.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 33A, Penal Code, by adding Section 33A.051, as follows:

Sec. 33A.051. FALSE CALLER IDENTIFICATION INFORMATION DISPLAY. (a) Provides that a person commits an offense if the person, with the intent to defraud or cause harm, makes a call or engages in any other conduct using any type of technology that results in the display on another person's telecommunications device of data that misrepresents the actor's identity or telephone number.

(b) Provides that an offense under this section is a Class A misdemeanor.

(c) Prohibits a conviction for an offense under this section, notwithstanding any other provision of this chapter (Telecommunications Crimes), from being used for enhancement purposes under any other section of this chapter.

(d) Provides that it is a defense to prosecution that the actor blocked caller identification information or was a certain individual engaging in certain specified actions.

(e) Defines "telecommunications service provider" for purposes of this section.

SECTION 2. Effective date: September 1, 2019.